

By: Ellis

S.B. No. 388

A BILL TO BE ENTITLED

AN ACT

relating to the use and management of certain state-owned real property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle E, Title 10, Government Code, is amended by adding Chapter 2206 to read as follows:

CHAPTER 2206. USE AND MANAGEMENT OF STATE PROPERTY

Sec. 2206.001. DEFINITION. In this chapter, "committee" means the Texas Real Property Interim Committee.

Sec. 2206.002. TEXAS REAL PROPERTY INTERIM COMMITTEE. (a) The Texas Real Property Interim Committee is created to:

(1) investigate the number and function of state agency field offices; and

(2) sell, close, or collocate state agency field offices, if appropriate.

(b) The committee is composed of:

(1) the governor or the governor's designee, who serves as presiding officer;

(2) the lieutenant governor or the lieutenant governor's designee;

(3) one member appointed by the governor from a list of persons submitted by the speaker of the house of representatives;

(4) the land commissioner or the land commissioner's designee;

1           (5) the comptroller or the comptroller's designee; and

2           (6) the executive director of the Texas Building and  
3 Procurement Commission as a nonvoting member.

4           (c) The governor may reject the persons on a list submitted  
5 under Subsection (b)(3) and require a new list to be submitted.

6           (d) The committee may request the assistance of the  
7 employees of the Legislative Budget Board and the state auditor's  
8 office in carrying out the committee's duties.

9           (e) The committee shall meet at least quarterly at the call  
10 of the presiding officer.

11           Sec. 2206.003. POWERS AND DUTIES OF COMMITTEE. (a) The  
12 committee may require a state agency to:

13           (1) sell real property or any part of real property  
14 used as an agency field office if the committee determines that the  
15 property is not being used or is being substantially underused for  
16 the purposes of efficiently and effectively performing the  
17 functions of state government;

18           (2) terminate a lease of real property used as an  
19 agency field office according to the terms of the lease if the  
20 committee determines that the functions of state government can be  
21 more efficiently and effectively performed by the agency at a  
22 different location; or

23           (3) collocate a field office with one or more other  
24 state agencies if the committee determines that the functions of  
25 state government can be more efficiently and effectively performed  
26 by the agencies at the same location.

27           (b) This section does not apply to a state park or

1 historical site owned or operated by the state.

2 Sec. 2206.004. PROCEEDS FROM SALE OF PROPERTY.

3 Notwithstanding any other law, proceeds from the sale of real  
4 property sold under Section 2206.003 shall be deposited in the fund  
5 from which the money used to buy the property was taken, if the fund  
6 is known and continues to exist. In any other circumstances, the  
7 proceeds shall be deposited in the unobligated portion of the  
8 general revenue fund.

9 Sec. 2206.005. CAPITAL CHARGE. The committee, in  
10 consultation with the Legislative Budget Board, may impose a  
11 capital charge, as defined by Section 31.1586, Natural Resources  
12 Code, on a state agency that is payable by a specified date if the  
13 committee determines that:

14 (1) the state agency possesses real property that is  
15 not being put to its highest and best use; and

16 (2) it is not in the best interest of the state to sell  
17 the property.

18 Sec. 2206.0055. CERTAIN GIFTS AND BEQUESTS EXCLUDED. This  
19 chapter does not apply to real property acquired by gift or bequest  
20 by an institution of higher education, as defined by Section  
21 61.003, Education Code.

22 Sec. 2206.006. EXPIRATION AND ABOLITION. This chapter  
23 expires and the committee is abolished on September 1, 2005.

24 SECTION 2. Subchapter E, Chapter 31, Natural Resources  
25 Code, is amended by adding Sections 31.1585 and 31.1586 to read as  
26 follows:

27 Sec. 31.1585. CERTAIN PROCEEDS. Notwithstanding any other

1 law, proceeds from the sale of real property that was recommended  
2 for sale by the division and not disapproved for sale by the  
3 governor during the calendar years 1995 through 2002 shall be  
4 deposited in the unobligated portion of the general revenue fund  
5 and may only be appropriated to the state agency that possessed the  
6 property at the time of the sale for use by the state agency in  
7 performing its duties.

8 Sec. 31.1586. DEFINITION. For purposes of state law,  
9 "capital charge" means an amount paid to the state by a state agency  
10 based on real property owned by the agency and designed to provide  
11 budgetary incentives for an agency to use its property in a  
12 cost-effective manner.

13 SECTION 3. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2003.